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MCKESSON TECHNOLOGIES INC. and  
16 MCKESSON CORPORATION

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

19 TRUE HEALTH CHIROPRACTIC, INC., and  
20 MCLAUGHLIN CHIROPRACTIC  
ASSOCIATES, INC., individually and as the  
21 representatives of a class of similarly-situated  
persons,

22 Plaintiffs,

23 v.

24 MCKESSON CORPORATION,  
25 MCKESSON TECHNOLOGIES INC.,  
and DOES 1-10,

26 Defendants.  
27  
28

Case No. 4:13-cv-02219-HSG

**DEFENDANTS' ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE  
PHONE CARRIER DECLARATIONS**

Trial: October 18, 2021  
Time: 8:30 a.m.  
Courtroom: 2, 4th Floor  
Judge: Haywood S. Gilliam, Jr.

Pursuant to Civil Local Rule 7-11, Defendants McKesson Technologies Inc. and McKesson Corporation (collectively, “Defendants”) move the Court for leave to file the Declaration of Lisa Likely on behalf of AT&T Corporation (“AT&T Declaration”) and the Declaration of Jack Hansen on behalf of Frontier Communications (“Frontier Declaration”).

The Court ordered Plaintiffs’ counsel to “promptly file any additional declarations or equivalent materials it receives from the telephone carriers on a rolling basis.” (ECF No. 457 at 1:19-20.) Last week, AT&T and Frontier, who together purportedly serviced 42% of the class during the class period, provided declarations attesting to their inability to determine whether a subscriber received faxes via online fax services or on a stand-alone fax machine. (Declaration of Bonnie Lau in Support of Defendants’ Administrative Motion (“Lau Decl.”) ¶¶ 2-3, Exs. A-B.) The AT&T and Frontier Declarations relate directly to Plaintiffs’ attempt to prove how class members received the faxes at issue through the subpoena process and should therefore be filed with the Court.

Plaintiffs, however, have failed to file those two declarations with the Court. Defendants met and conferred with Plaintiffs to ask them to comply with the Court’s Order and file the AT&T and Frontier Declarations, but Plaintiffs’ counsel indicated that they believe these declarations fall outside of the Court’s Order. (Lau Decl. ¶¶ 4-5, Exs. C-D.) Even after Plaintiffs’ counsel acknowledged that the Frontier Declaration is responsive to Plaintiffs’ subpoena, Plaintiffs have not confirmed that they will file that declaration with the Court. (Lau Decl. ¶ 6, Ex. E.) As a result, Defendants seek leave to file the AT&T and Frontier Declarations so that they are part of the record as the Court considers Plaintiffs’ offer of proof.

Dated: September 22, 2021

MORRISON & FOERSTER LLP

By: /s/ Tiffany Cheung  
Tiffany Cheung

Attorney for Defendants  
MCKESSON TECHNOLOGIES INC.  
and MCKESSON CORPORATION